

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cr. No. 14-2130 KG

POLLY HOPPER,

Defendant.

ORDER ON MOTION TO SEVER TRIALS

This matter comes before the Court on Defendant Polly Hopper's Motion to Sever Trials, filed on November 3, 2014. (Doc. 104). The United States filed a sealed response on November 17, 2014. (Doc. 106). Defendant Polly Hopper did not file a reply.


Defendant Polly Hopper argues that her trial should be severed from her Co-Defendants' trial for two reasons. First, Defendant Polly Hopper contends that a joint trial will violate her Sixth Amendment right to confrontation if the United States introduces into evidence Co-Defendant Jessie Hopper, Jr.'s post-arrest statement which incriminates Defendant Polly Hopper. Second, Defendant Polly Hopper contends that her "defense is mutually antagonistic and irreconcilable" with Co-Defendant Jessie Hopper, Jr.'s defense. (Doc. 104) at 5.

Co-Defendant Jessie Hopper, Jr. has since pled guilty and the United States anticipates that he will testify at Defendant Polly Hopper's trial. For these reasons, the Motion to Sever Trials will be denied as moot. However, if Co-Defendant Jessie Hopper, Jr. subsequently does not intend to testify at Defendant Polly Hopper's trial, Defendant Polly Hopper may renew her Motion to Sever Trials.

IT IS ORDERED that

1. the Motion to Sever Trials (Doc. 104) is denied as moot; and
2. if Co-Defendant Jessie Hopper, Jr. subsequently does not intend to testify at

Defendant Polly Hopper's trial, Defendant Polly Hopper may renew her Motion to Sever Trials.



UNITED STATES DISTRICT JUDGE